

[14 December, 2006]

RAJYA SABHA

Exclusion of Creamy Layer from Reservations

2490. SHRI AMAR SINGH:
SHRI GIREESH KUMAR SANGHI:
SHRI SHANTARAM LAXMAN
NAIK: SHRI JANARDHANA
POOJARY: SHRI ABU ASIM AZMI:

Will the PRIME MINISTER be pleased to state:

(a) the complications that have arisen to continue the existing reservation policy of Government in view of the Supreme court's recent judgement for exclusion of creamy layer from SC, ST reservations;

(b) the details in this regard and Government's reaction thereto;

(c) whether any Committee has been constituted to study the recent judgement;

(d) whether any constitutional amendment would be required to implement the Supreme Court's judgement in this regard; and

(e) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL PUBLIC GRIEVANCES AND PENSIONS (SHRI SURESH PACHOURI):
(a) and (b) Reference of creamy layer in the judgement of the Supreme Court in the case of M. Nagaraj is an *obiter dicta* as advised by the Attorney General. The judgement does not require the Government to exclude the creamy layer amongst SCs and STs from the purview of reservation.

(c) and (d) No, Sir.

(e) Does not arise.

Corruption in Government Departments

2491. SHRI NANDIYELLAIAH: Will the PRIME MINISTER be pleased to state:

(a) whether Government had informed the Supreme Court recently that the Central Vigilance Commission would protect those exposing corruption in Government Departments, till a legislation was enacted on the subject;